

78 FR 02672
FEDERAL REGISTER
Implementation of the Privacy Act of 1974, as amended;
Republication to Delete and Update Privacy Act System of Records Notifications
[Docket No. 2013-02672; FR-5693-N-02]
BILLING CODE 4210-67-P

February 6, 2013

ACTION: Notice Republication.

SUMMARY: Pursuant to the Privacy Act of 1974 (U.S.C. 552a (e) (4)), as amended, and Office of Management and Budget (OMB), Circular No. A-130, notice is hereby given that the Department of Housing and Urban Development (HUD), Office of the Chief Information Officer (OCIO) republishes in the Federal Register, after a comprehensive review, actions for program component system of records. The revisions implemented under this republication are corrective and administrative changes that refine previously published details for each system of records in a clear and cohesive format.

DATES: EFFECTIVE DATE: All revisions included in the aforementioned republication are complete and accurate as of December 14, 2012.

FOR FURTHER INFORMATION CONTACT: Donna Robinson-Staton, Chief Privacy Officer, 451 Seventh Street SW, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402-8073. [The above telephone number is not a toll free numbers.] A telecommunications device for hearing- and speech-impaired persons (TTY) is available by calling the Federal Information Relay Service's toll-free telephone number (800) 877-8339.

TEXT: SYSTEM OF RECORDS NOTICE

SYSTEM OF RECORDS NO.: OIG/GAP.01

SYSTEM NAME: Auto Audit of the Office of Inspector General.

SYSTEM LOCATION: HUD OIG Headquarters, 451 Seventh Street SW; Washington DC, District Offices, and Field Offices have access to the database. (Boston, MA; New York City, NY; Philadelphia, PA; Atlanta, GA; Tampa, FL; New Orleans, LA; Kansas City, KS; Chicago, IL; Fort Worth, TX; Los Angeles, CA; Seattle, WA.) Refer to Appendix II for complete address listings.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals covered consist of: (1) HUD program participants and HUD employees who are associated with an activity that OIG is auditing or reviewing; (2) requesters of an OIG audit or other activity; and (3) persons and entities performing some other role of significance to the OIG's efforts, such as relatives or business associates of HUD program participants or employees, potential witnesses, or persons who represent legal entities that are connected to an OIG audit or other activity. The system also tracks information pertaining to OIG staff handling the audit or other activity, and may contain contact names for relevant staff in other agencies.

CATEGORIES OF RECORDS IN THE SYSTEM: Records consist of materials compiled and/or generated in connection with audits and other activities performed by OIG staff. These materials include information regarding the planning, conduct and resolution of audits and reviews of HUD programs and participants in those programs, internal legal assistance requests, information requests, responses to such requests, reports of findings, etc. The information consists of audit work papers which are pdf files located within the Auto Audit database. The documents are filed according to their purpose and sequence, not by personal identifiers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: The Inspector General Act of 1978 (5 U.S.C. App. 3) authorizes the Inspector General to conduct, supervise and

coordinate audits and investigations relating to the programs and operations of HUD, to engage in other activities that promote economy and efficiency in the programs and operations of HUD, and to receive and investigate complaints concerning possible violations of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial or specific danger to the public health or safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under subsection (b) of the Privacy Act of 1974, 5 U.S.C. 552a(b), records may also be disclosed routinely to other users under the following circumstances:

1. In the event that records indicate a violation or potential violation of law, whether criminal, civil or regulatory in nature, the relevant records may be disclosed to the appropriate federal, state, or local agency charged with the responsibility for investigating or prosecuting such violation or enforcing or implementing such statute, rule or regulation.
2. Records may be disclosed to a congressional office in response to an inquiry from that congressional office made at the request of the individual who is the subject of the records.
3. Records may be disclosed to HUD contractors, Public Housing Authorities or management agents of HUD-assisted housing projects, in order to assist such entities in taking or defending actions to recover money or property, or take personnel actions based on an OIG investigation or audit, where such recovery or personnel action serves to promote the integrity of the programs or operations of HUD.

4. Records may be disclosed during the course of an administrative proceeding where HUD is a party to the litigation and the disclosure is relevant and reasonably necessary to adjudicate the matter.
5. Records may be disclosed to any source, either private or governmental, to the extent necessary to elicit information relevant to an OIG investigation.
6. Records may be disclosed to appropriate state boards of accountancy for possible administrative or disciplinary sanctions such as license revocation. These referrals will be made only after the independent auditor has been notified that the OIG is contemplating disclosure of its findings to an appropriate state board of accountancy, and the independent auditor has been provided with an opportunity to respond in writing to the OIG's findings.
7. Records may be disclosed to DOJ for litigation purposes associated with the representation of OIG and/or HUD before the courts.
8. Records may be disclosed to persons engaged in conducting and reviewing internal and external peer reviews of OIG to ensure auditing standards applicable to Government audits by the Comptroller General of the United States are applied and followed.
9. In the event that these records respond to an audit, investigation or review, which is conducted pursuant to an authorizing law, rule or regulation, and in particular those conducted at the request of the PCIE pursuant to Executive Order 12993, the records may be disclosed to the PCIE and other federal agencies, as necessary.
10. Records may be disclosed to private, state or Federal licensing authorities or boards regulating professional services, such as appraisers, attorneys, insurers, or mortgage brokers, when the records reveal conduct related to activities associated with a HUD program that is appropriate for possible administrative or disciplinary sanctions, such as license revocation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored electronically in office automation equipment and manually in file jackets.

RETRIEVABILITY: Records are retrieved by computer search of the Auto Audit software by reference to a particular file number.

SAFEGUARDS: Records are maintained in a secure computer network, and in locked file cabinets or in metal file cabinets in rooms with controlled access.

RETENTION AND DISPOSAL: Retention and disposal: Retention and disposal is in accordance with Records Disposition Schedule 3, Item 79, Appendix 3, HUD Handbook 2225.6, Rev. 1. Historic or significant audit files are PERMANENT, pending appraisal by NARA. All other case files are to be destroyed 10 years after the audit is closed. Records shall be shredded or burned. Electronic media may be overwritten until such time as the media is no longer of use; then it shall be purged. All other electronic media shall be purged at the end of its retention.

SYSTEM MANAGER(s) AND ADDRESS: Assistant Inspector General for Audit, Office of Audit, Office of the Inspector General, Department of Housing and Urban Development, 451 Seventh Street, SW, Room Number 5254, Washington, DC 20410.

NOTIFICATION AND ACCESS PROCEDURE: These records are generally exempt from Privacy Act access. The System Manager will give consideration to a request from an individual for notification of whether the system contains records pertaining to that individual. Requests may be made to the OIG Office of Investigations, Attn: FOIA/Privacy Act Office; 451 Seventh Street SW, Room 8260, Washington, DC 20410. The procedures for requesting access to records are publicized in 24 CFR part 2003.

CONTESTING RECORD PROCEDURES: The procedures for requesting amendment or correction of records appear in 24 CFR parts 16 and 2003. The records are generally exempt from Privacy Act amendment or correction. However, the System Manager will give consideration to a request from an individual for amendment or correction of records pertaining to that individual that are indexed and retrieved by reference to that individual's name. Requests may be made to the OIG Office of Investigations, Attn: FOIA/Privacy Act Office; 451 Seventh Street SW, Room 8260, Washington, DC 20410. The procedures for requesting amendment or correction of records are publicized in 24 CFR part 2003.

RECORD SOURCE CATEGORIES: The OIG collects information from a wide variety of sources, including from HUD, other federal agencies, the General Accounting Office (GAO), law enforcement agencies, program participants, subject individuals, complainants, witnesses and other non-governmental sources.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT: This system of records, to the extent that it consists of information compiled for the purpose of criminal investigations, has been exempted from the requirements of subsections (c)(3), (d)(1), (d)(2), (e)(1), (e)(2) and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of other investigatory material compiled for law enforcement purposes, has been exempted from the requirements of subsections (c)(3), (d)(1), (d)(2) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Finally, this system of records, to the extent that it consists of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in

confidence, has been exempted from the requirements of subsection (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.